

IN THE UNITED STATE DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DOROTHY MARTIN,

Plaintiff,

v.

Civil Action No. 3:06CV142

BERKELEY COUNTY COMMISSION,

Defendant.

ORDER CONFIRMING PRONOUNCED ORDER OF THE COURT

Plaintiff's responses to Defendant's Interrogatories 6, 9, 16, & 17 are clearly insufficient under the requirement of the Federal Rules of Civil procedure that all answers to interrogatories be specific and in detail. A party is entitled to know the basis of a Plaintiff's claims with a reasonable degree of precision. Martin v. Easton Pbl'g. Co., 85 F.R.D. 312, 315 (E.D. Pa 1980). Parties must respond truthfully, fully and completely to discovery or explain truthfully, fully and completely why they cannot respond. Gamesmanship to evade answering as required is not allowed. Hansel v. Shell Oil Corporation, 169 F.R.D. 303 (E.D. Pa. 1996).

Plaintiff's response to Defendant's Interrogatory 15 is sufficient.

Plaintiff's response to Requests for Production 3, 6, 8, 9, 10, 11, 12, 14, 20, 24, and 26 is insufficient. Rule 34 (b) (1) requires a party to produce the records as they are kept in the ordinary course of business **OR** shall organize and label them to correspond with the categories in the request. Plaintiff is not a business. Therefore, she must organize and label them to correspond with the categories in the request.

Defendant's Requests for Production Nos. 4, 5, and 13 are clearly insufficient under the requirements of the Federal Rules of Civil Procedure 34. Rule 34 (b) requires a party making a request for production to set forth the items sought with reasonable particularity.

Plaintiff shall respond to each and every part of Defendant's Interrogatories 6, 9, 16 and 17 with specificity and in detail and Requests for Production Nos. 3, 6, 8, 9, 10, 11, 12, 14, 20, 24 and 26 organized and labeled by November 9, 2007.

Defendant shall file an affidavit of all its reasonable expenses in bringing the Motion to Compel by **November 9, 2007**.

Plaintiff has until **November 16, 2007** to file any response.

Plaintiff and Plaintiff's counsel shall be given an opportunity to be heard at **2:30 p.m.** **Tuesday, November 20, 2007**, at the **Wheeling point of holding court, by telephone, (initiate one timely conference call to (304)233-1348, at the time of the scheduled proceeding.)** why reasonable expenses should not be awarded against them jointly and severally.

Defendant's Motion to Compel Responses (Doc. No. 9) is **GRANTED IN PART AND DENIED IN PART.**

Any party who appears pro se and any counsel of record, as applicable, may, within ten (10) days from the date of this Order, file with the Clerk of the Court an original and two (2) copies of the written objections identifying the portions of the Order to which objection is made, and the basis for such objection. Failure to timely file objections to the Order set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such Order.

The Clerk of the Court is directed to provide a copy of this Order to parties who appear pro se and all counsel of record, as applicable, as provided in the Administrative Procedures for Electronic Case Filing in the United States District Court for the Northern District of West Virginia.

DATED: October 18, 2007

/s/ James E. Seibert

JAMES E. SEIBERT

UNITED STATES MAGISTRATE JUDGE